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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MITCHELL REPAIR INFORMATION
11 COMPANY, LLC,

12 Plaintiff,

13 v.

14 C.J. RUTCHEY d/b/a AUTOMOTIVE
15 HOBBYISTS DIGITAL ONLINE
16 LIBRARY

Defendant.

CASE NO. C08-500 RSM

ORDER GRANTING PLAINTIFF'S
MOTION FOR ORDER TO SHOW CAUSE

17 This matter comes before the Court on Plaintiff's "Motion for Order to Show Cause."
18 (Dkt. #20). In this copyright infringement action, the Court granted Plaintiff's motion for
19 default judgment and permanently enjoined Defendant C.J. Rutchey from infringing upon
20 Plaintiff Mitchell Repair Information Company, LLC's ("MRIC") copyrighted works. (Dkt.
21 #19). The Court also awarded MRIC \$30,000 in statutory damages, plus an additional
22 \$13,109.60 in attorneys' fees and \$975.40 in costs, for a total of \$44,085. (*Id.*).

23 MRIC subsequently provided Defendant with notice of the Court's Order.
24 Nevertheless, it appears that Defendant has ignored the terms of the Court's Order. MRIC
25 indicates that Defendant has registered his site with another company located overseas, and
26 continues to sell infringing products through a different website. As a result, MRIC brought
27 the instant motion requesting that the Court require Defendant to show cause why he failed to
28 comply with the terms of the Court's October 21, 2008 Order.

1 “[P]ersons subject to an injunctive order issued by a court with jurisdiction are expected
2 to obey that decree until it is modified or reversed, even if they have proper grounds to object
3 to that order.” *GTE Sylvania, Inc. v. Consumers Union of the United States, Inc.*, 445 U.S.
4 375, 386 (1980) (citations omitted). “[C]ourts have inherent power to enforce compliance
5 with their lawful orders through civil contempt.” *Spallone v. United States*, 493 U.S. 265, 276
6 (1990) (quoting *Shillitani v. United States*, 384 U.S. 364, 370 (1966)). Civil contempt
7 sanctions are “coercive [and] designed to exact compliance with a prior court order.” *United*
8 *States v. Perry*, 116 F.3d 962, 956 (1st Cir. 1997).

9 In light of this well-established case law, the Court finds good cause to grant MRIC’s
10 motion given the facts of this case. Defendant has repeatedly failed to respond to MRIC’s
11 pleadings, which ultimately resulted in the Court granting MRIC’s default judgment.
12 Defendant has also failed to respond to the instant motion, further exemplifying his
13 noncompliance. The record is replete with several examples of Defendant blatantly ignoring
14 MRIC’s correspondence. As a result, the Court directs Defendant to show cause why he
15 should not be held in contempt.

16 The Court finds it worthwhile to notify Defendant of the following rule of the Court:

17 [A] party who without just cause fails to comply with any of the Federal Rules of Civil
18 Procedure, or these rules, or orders of the court, or who presents to the court
19 unnecessary motions or unwarranted opposition to motions, or who fails to prepare for
20 presentations to the court, or who otherwise so multiplies or obstructs the proceedings
21 in such a case as to increase the cost thereof unreasonably and vexatiously, *may, in*
addition to, or in lieu of the sanctions and penalties provided elsewhere in these rules,
be required by the court to satisfy personally such excess costs, and may be subject to
such *other sanctions* as the court may deem appropriate.

22 Local Rule GR 3(d) (emphasis added).

23 The Court further advises Defendant that “other sanctions” may include imprisonment
24 where a party refuses to do an affirmative act required by the provisions of an order. *See*
25 *Perry*, 116 F.3d at 956.

26 Therefore having reviewed the relevant pleadings, the declarations and exhibits attached
27 thereto, and the remainder of the record, the Court hereby finds and ORDERS:
28

1 (1) Plaintiff's "Motion for Order to Show Cause" (Dkt. #) is GRANTED. Defendant
2 C.J. Rutchev is ORDERED TO SHOW CAUSE in writing why he should not be held in civil
3 contempt for failing to comply with the Court's Judgment and Order of permanent injunction
4 no later than twenty (20) days from the date of this Order. Defendant is on notice that failure
5 to comply with the directions of the Court will result in substantial sanctions.

6 (2) The Clerk is directed to forward a copy of this Order to all counsel of record.

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8 DATED this 27 day of April, 2009

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11 RICARDO S. MARTINEZ
12 UNITED STATES DISTRICT JUDGE
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